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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,117	08/07/2003	Michael E. Buhl	502337	1586
53609 7590 01/11/2007 REINHART BOERNER VAN DEUREN P.C. 2215 PERRYGREEN WAY ROCKFORD, IL 61107			EXAMINER CECIL, TERRY K	
			ART UNIT 1723	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/636,117

Applicant(s)

BUHL ET AL.

Examiner

Mr. Terry K. Cecil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10-16-2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8-7-2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

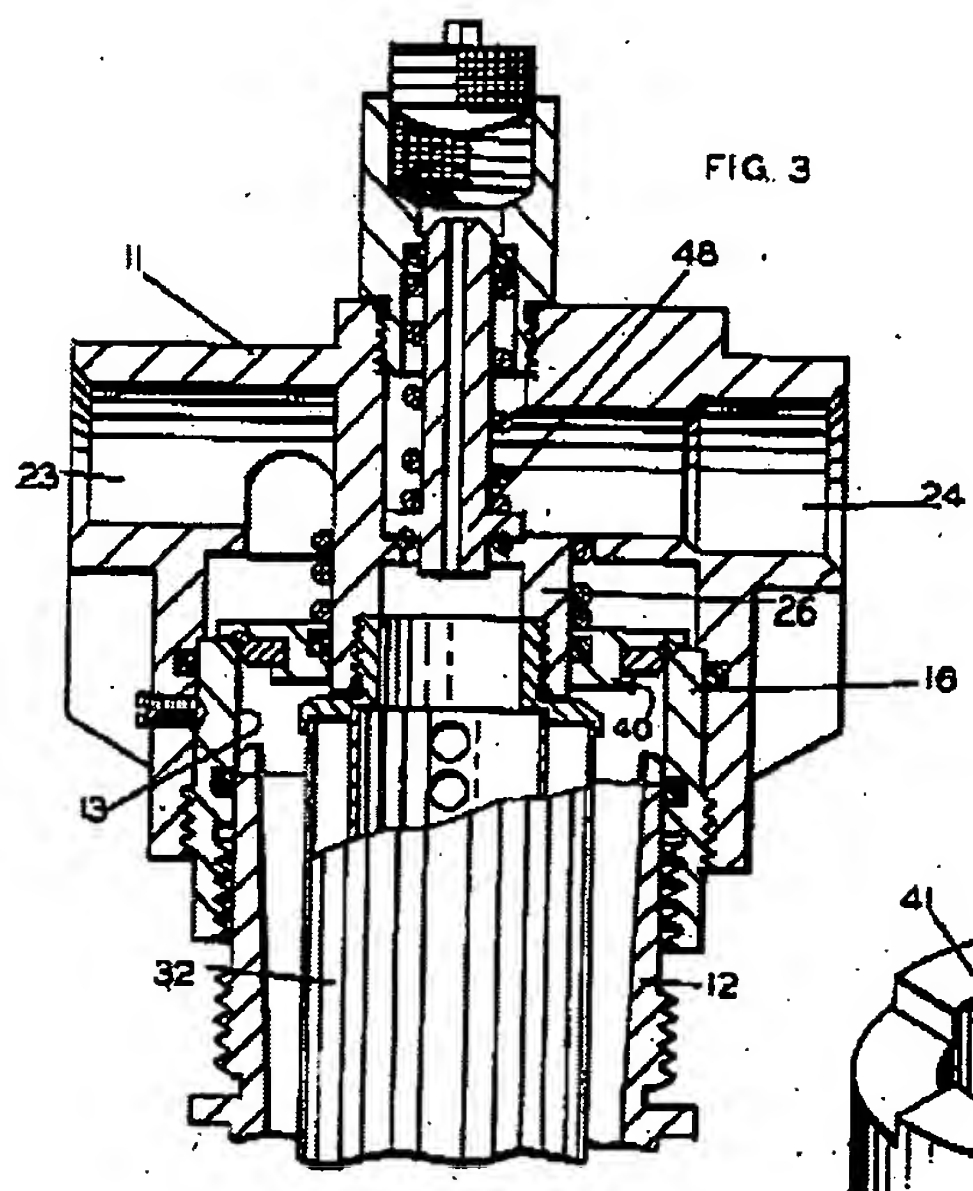
- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-12, 15-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Suntec Model PRV-38 literature (hereinafter "Suntec") in view of Scavuzzo (U.S. 2,932,400). Suntec discloses a normally-closed valve assembly and valve actuator as required by the claims in an oil burner system. Suntec also discloses a filter upstream of the valve assembly (see the drawings thereof) but does not teach the valve assembly and filter combined via a filter head arrangement including a filter mounting stub. However, such is taught by Scavuzzo '400.



Scavuzzo teaches a filter head 11 including a filtering mounting stub *including an entrance port 26 that is treaded*, an annular flange and a normally closed valve. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the valve and filter assemblies of Suntec to be combined such that a filter head is formed, as in Scavuzzo, since Scavuzzo teaches the benefit of preventing spills of fluid when

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the filter element is changed (col. 1, lines 30-38 and col. 3, lines 24-40). Having the filter element of Suntec immediately upstream of the normally-closed valve would prevent the loss of fluid from downstream thereof when the filter element is replaced. Upon modification, all the limitations of the aforementioned claims are met.

*Concerning applicant's amendments to the independent claims, the filter mounting stub of Scavuzzo includes the filter head entrance port 27 and the filter head exit port 13. Both ports are threaded directly to the filter (which includes casing 12, sleeve 16 and filter element 32). Fluid can flow from the inlet port 23 to the filter head exit bore which begins adjacent the leader of reference no. 42 in figure 1.*

3. Claims 6, 13-14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Suntec in view of Moscaritolo (U.S. 6,471,853). These claims differ in that they require a vacuum gauge port defined in the outlet side of the body of the filter head. Moscaritolo teaches a port for a sensor (for measuring pressure e.g. col. 2, line 17). It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the port of Moscaritolo in the outlet side of the filter head of the modified Suntec, since Moscaritolo teaches the benefits of measuring filter performance characteristics in order to determine performance and whether a the filter element needs replacement (col. 1, lines 12-19).

### ***Response to Arguments***

4. Applicant's arguments, filed 10-16-2006, with respect to the claims have been fully considered but are not persuasive for the following reasons: As explained above the filter head exit port begins in the area adjacent the leader of reference no. 42, such that fluid can flow *from* the inlet port *to* the filter head exit port. This is possible even in the condition of figure 3 (e.g. upon initial flow into the system). In addition, it is pointed out that sleeve 16 (which the examiner considers to be part of the filter) is also threadedly mounted to the mounting stub such that upon removal of the casing 12, element 32 and sleeve 16, inlet fluid can not only flow *to* the filter head exit port but also *through and out* the port. Applicant attempts to distinguish his invention from that of Scavuzzo because Scavuzzo includes an additional element, e.g. valve 40. However, it is pointed out that applicant's claims use the transitional term "comprising" which is open-ended such that other elements can be included. Concerning applicant's arguments about claim 6, Moscaritolo was applied for teaching the limitation thereof. Concerning applicant's arguments about claim 22, the filter mounting stub of Scavuzzo including bores 13 and 27 is shown as a unitary one-piece component. Applicant has not successfully shown how his claimed *filter head* is distinguished from that of the modified Suntec.

### ***Conclusion***

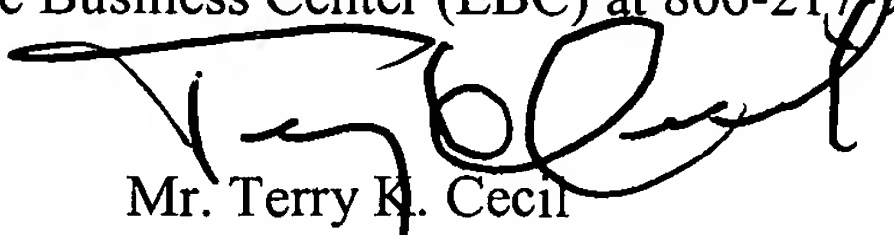
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is

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not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is (571) 273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil  
Primary Examiner  
Art Unit 1723

TKC

January 6, 2007